

REMARKS

No amendments to the instant claims are presented by way of the current response. Claims 1, 3-5, and 7-8 remain pending in the instant Application and are presented for the Examiner's review in light of the following comments.

Rejection Under 35 U.S.C. §112

Claims 1, 3-5, and 7-8 have been rejected under 35 U.S.C. §112, ¶1. The Examiner alleges that the subject matter claimed by the instant Application is not described in the Specification in such a way as to enable one skilled in the art to which it pertains or with which it is most nearly connected to make and/or use the invention. In short, the Examiner is not clear how the claimed/disclosed apparatus operates. In other words, the Examiner is not clear how the disclosed apparatus, which includes a bedroll that rotates at a first circumferential velocity and a chop-off roll that rotates at a second circumferential velocity that is distinct from the first circumferential velocity can operate such that the blades of each roll rotationally mesh.

In this regard, the Examiner is invited to read Applicants' Specification beginning on page 4, line 3. Applicants' Specification states, "The bedroll 100 is capable of powered rotating about its axis. This powered rotation may be achieved by any means that is known in the art. As the bedroll 100 rotates, the blade 140 and web pin 130 move past the gap 400 at a first circumferential velocity depending upon the rotational speed of the bedroll 100 and the radial location of the bedroll chop off assembly 120. The blade 140 and web pin 130 are disposed in the bedroll chop off assembly 120 such that as the bedroll 100 rotates, the blade 140 passes through the gap 400 followed by the web pin 130. The circumferential velocity is determined as the tangential speed at the radial position defined by the blade tip 142.

The chop off roll 200, comprises at least one pin pad 230 The pin pad 230 is disposed in alignment with the web pin 130 of the bedroll 100. The pin pad 230 and the web pin 130 interfere with each other and the web pin tip 132 perforates at least a portion

of the pin pad 230 as the pin pad 230 and the web pin 130 pass together through the gap 400. In another embodiment the chop off roll 200 comprises a plurality of pin pads 230 disposed along a line generally transverse to the direction of travel of the web material 300. In this embodiment, the pin pads 230 are aligned with the web pins 130 located on the bedroll chop off assembly 120.”

Furthermore, by way of Applicant’s Specification beginning on page 5, line 16, “The rotation of the bedroll 100 is synchronized with the rotation of the chop off roll 200 by means known in the art. The synchronized rotation yields a meshing of the blade 140 of the bedroll 100 between the blades 240 of the chop off roll 200 as the blades 140 and 240 pass through the gap. The radial positions of the bedroll blade tip 142 and the chop off roll blade tips 242 interfere with each other. The position of the bedroll blade 140 and the chop off roll blades 240 must be maintained such that the blades 140 and 240 do not occupy the same space when passing through the gap 400.”

Applicants conclude that, “The circumferential velocity of the blade tips 142 and 242 are maintained at different velocities as the tips 142 and 242 pass through the gap 400. The differing blade tip velocities yield relative motion between the blade 140 and blades 240 as the blades mesh. This relative motion may be used to separate the web material 300 at a line of weakness 310.”

In well settled Federal Circuit case law, the Court states that the invention be described in sufficient detail that one skilled in the art can clearly conclude that the inventor invented what is claimed. *See, Kao Corp. v. Unilever United States, Inc.*, 442 F.3d 963 (Fed. Cir. 2006) (citing *Cordis Corp. v. Metronic Ave., Inc.*, 339 F.3d 1352, 1364 (Fed. Cir. 2003)). In short, “The applicant must . . . convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession . . . of the invention.” *See Pandrol USA, L.P. v. Airbus Railway Products, Inc.*, 424 F.3d 1161 (Fed. Cir. 2005) (emphasis in original). *See also, Union Oil Co. of California v. Atlantic Richfield Co.*, 208 F.3d 989, 997 (Fed. Cir. 2000).

Applicants’ Specification provides an extensive and exhaustive explanation (namely, the operation of the bedroll and chop-off roll) of how different blade tip

velocities can provide relative motion between the blades of the chop-off roll and the blades of the bedroll as they mesh consistent with the abundant Federal Circuit case law cited *supra*. In short, Applicants are at a loss to understand how the Specification can be considered as failing to comply with enablement requirement. It is abundantly clear to the Applicants that the instant Specification provides the enablement required by the patent statute and as required by the *Kao* and *Pardrol* tests.

In light of the above discussion, Applicants respectfully request immediate withdrawal of the Examiner's 35 U.S.C. § 112, ¶1 rejection to the instant claims.

Rejection Under 35 U.S.C. §103

Claims 1, 3, and 5 have been rejected under 35 U.S.C. §103(a) over McNeil, U.S. Patent No. 4,919,351 in view of Nystrand, et al., Pat. No. Re. 28,353. Previous arguments made with regard to the *McNeil* and *Nystrand* references remain in effect but will not be repeated for the sake of brevity. The Examiner is respectfully requested to consider the following additional matters regarding the Applicants' distinction of the present invention over both the cited prior art.

1. The current apparatus, as presented in Claim 1, provides for, *inter alia*, a bedroll having bedroll blades attached thereto. The bedroll blade rotates at a first circumferential velocity. The apparatus also comprises a chop-off roll having chop-off roll blades attached thereto. The chop-off roll blades rotate at a second circumferential velocity. As claimed, the first circumferential velocity and second circumferential velocity of the blades are distinct.

2. The *McNeil* reference provides for a chop-off mechanism that provides **parallel motion** chop-off blades. (3:62-64) In other words, spatially, chop-off roll 23 has the same angular rate of rotation as bedroll 21, and they rotate in the same direction. (5:36-38) This is to provide for a mechanism that is assembled so that blades 31 are **parallel** to blades 32 when assembled, and that they will continuously remain in **parallel** relation during the operation of the rewinder. (5:38-42)

3. Applicants again respectfully direct the Examiner's attention to the Declaration filed under 37 C.F.R. §1.132 on June 6, 2007. The Declarant, Kevin Benson McNeil, states that, "An important point here is that the meshed **blades** of the [McNeil] system remain at **matched circumferential velocities** while in mesh (engagement) even though the bedroll and chop-off roll they are affixed to may be driven at different angular velocities." (p. 2) The end result is that the McNeil system "stretches the web by allowing deeper engagement (or overlap) mesh between the blades." (*Id.*) Mr. McNeil goes on to state that, "Contrastingly, the claims of the instant application differ significantly in that the web stretching is achieved by **relative circumferential velocities** between meshing blades." (p. 3; emphasis added)

It is completely irrelevant to the instant discussion of how the bedroll and chop-off roll are driven. What is important from the *McNeil* reference is that the blades of both the chop-off roll and bedroll have the same circumferential velocity. The bedroll blade and chop-off roll blade of the instant application rotate at different circumferential velocities. It is inconceivable to Applicants how the *McNeil* reference can be construed to even remotely suggest what Applicants currently claim as their invention. What is clear is that the *McNeil* reference cited by the Examiner does not provide for differing circumferential blade velocities. This distinction was clearly pointed out by Applicants' Declarant who coincidentally is also the first named inventor of the reference cited by the Examiner. The *Nystrand* reference does nothing to patch the gaps found within the cited reference to substantiate an obviousness-type rejection under 35 U.S.C. §103(a). Respectfully, no amount of wishing by the Examiner to construe the cited reference against Applicants' claim will turn this proverbial frog into a prince.

In light of this discussion, various telephonic interviews, and the Declaration filed herein, Applicants believe the cited references fail to teach, disclose, or even provide a modicum of a suggestion for each and every element of Applicants' claimed invention. Therefore, Applicants respectfully request withdrawal of the Examiner's 35 U.S.C. §103(a) rejection with respect to independent Claim 1 and all claims dependent directly or indirectly thereon.

Appl. No. 10/652,325
Atty. Docket No. 9350
Amdt. dated May 5, 2008
Reply to Office Action mailed February 6, 2008
Customer No. 27752

Conclusion

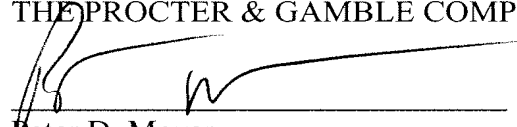
Based on the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512, and no fee is believed due. However, if any additional charges are due, the Examiner is hereby authorized to deduct such charge from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By:


Peter D. Meyer
Attorney for Applicants
Registration No. 47,792
(513) 634-7419

May 5, 2008
Customer No. 27752